REMARKS

Claims 1-7 and 9-17 are pending in the Application. Claim 8 is cancelled without prejudice. There does not appear to be any rejection raised in regards to claims 3, 4, 10, and 13-16. Favorable reconsideration in light of the amendments and remarks which follow is respectfully requested.

I. Amendments

Claim 1 is amended to modify the transitional phrase to "consisting of."

The amendments to claims 6 and 7 are fully supported by the Specification, for example, page 4, lines 20-24.

II. Rejection of Claims 1, 2, 5-9, 12 and 17 Under 35 U.S.C. § 102(b)

Claims 1, 2, 5-9, 12 and 17 stand rejected under 35 U.S.C § 102(b) over Wattig et al (Acta Histochemica Suppl. (1992)). In order for an anticipation rejection to be proper, one cited document must disclose each and every claim feature.

The Board states that "Wattig teaches a method of using UMP and CMP for the stimulation of the regeneration of nerves in a crush injury model." Decision on Appeal, page 10. Claim 1 is amended to recite that the method "consists of administering uridine-5'-monophosphate or cytidine-5'-monophosphate to a patient." That is, the recited method consists of administering UMP or CMP, but not both. Since Wattig et al only discloses a method where administration of UMP and CMP is effective, claim 1 is outside the scope of the method apparently disclosed in Wattig et al. Therefore, Wattig et al does not anticipate claim 1 as amended.

Further, the features of dependent claims 5 and 12 are not anticipated by Wattig et al. The Board states that "Wattig teaches administration of a dose of up to 5.5 mg/kg body weight of UMP and CMP." Decision on Appeal, page 10. The Examples of the present application show that the subjects to be treated by administration of UMP or CMP are humans. In the Examples beginning on page 6, 80 female and male patients were treated. Assuming a female patient with a medium body height of 1.60 m and a medium body weight of about 55 kg were to be administered a pharmaceutically effective dose of UMP and CMP according to

Wattig, the required dose is calculated from 5.5 mg/kg body weight multiplied by 55 kg body weight to yield a dose of about 300 mg. A does of 300 mg is about three times the upper limit given for UMP or CMP by the present claims and, therefore, the recited ranges of the claims do not overlap the 5.5 mg/kg does disclosed by Wattig. As such, dependent claims 5 and 12 are clearly not anticipated by Wattig.

Independent claims 6 and 7 are amended to recite "uridine-5'-monophosphate is contained in a concentration of 1 – 40 mg, or cytidine-5'-monophosphate is contained in a concentration of 1 – 100 mg." The Board states that "Wattig teaches pharmaceutical compositions which consist of UMP or CMP with a pharmaceutically acceptable carrier, in concentrations of 3.0 mg/kg body weight." Decision of Appeal, page 11. The compositions are for administration to humans. Assuming a 50 kg individual (approx 110 lbs.), the recited dosage range for UMP is 0.02 to 0.8 mg/kg and 0.02-2 mg/kg for CMP, both ranges are below the 3.0 (or 2.5) mg/kg amounts disclosed by Wattig.

Therefore, it is respectfully requested that the rejection of claims 1, 2, 5-7, 9, 12 and 17 under 35 U.S.C. § 102(b) be withdrawn.

III. Rejection of Claims 6-9 and 17 Under 35 U.S.C. § 102(b)

Claims 6-9 and 17 stand rejected under 35 U.S.C. § 102(b) over Tamura (U.S. 3,852,433).

Claims 6-7 are amended to recite "uridine-5'-monophosphate is contained in a concentration of 1 – 40 mg, or cytidine-5'-monophosphate is contained in a concentration of 1 – 100 mg." The Board states that Tamura discloses 200 mg of UMP dissolved in 2 ml distilled water (100 mg/ml) and a dosage unit from 50 to 500 mg of uridine-5'-monophosphate as its sodium salt. Decision on Appeal, page 9. UMP is recited in claims 6 and 7 in an amount form 1-40 mg, which is less than the ranges disclosed in Tamura without overlap. Tamura does not appear to have any disclosure regarding CMP. Therefore, Tamura does not anticipate claims 6-7, 9 and 17.

It is further noted that the pending claims are not obvious over any combination of Wattig et al and Tamura. Wattig states that only a combined

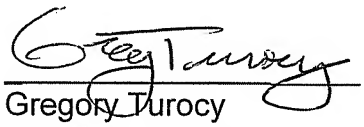
administration of UMP and CMP has a therapeutic effect on damaged nerve fibres. In contrast the present application discloses that the single nucleotides, UMP alone or CMP alone, surprisingly have a significant therapeutic effect. In addition, the present application discloses that the therapeutic effect of one of the nucleotides alone is achieved by a lower dosage and within a shorter time period than described by Wattig. Tamura teaches the administration of UMP for treatment of detoxication disturbances and various metabolic diseases. Thus, Tamura neither teaches nor suggests the use of UMP for treatment of conditions of the peripheral nervous system or for stimulating the regeneration of nerves.

Therefore, it is respectfully requested that the rejection of claims 6-7, 9 and 17 under 35 U.S.C. § 102(b) be withdrawn.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
TUROCY & WATSON, LLP



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